



December 6, 2013

Dr. Sylvia Jenkins
President
Moraine Valley Community College
9000 West College Parkway
Palos Hills, IL 60465-0937

Certified Mail
Return Receipt Requested
7012 1640 0000 0215 6883

RE: **Final Program Review Determination**
OPE ID: 00769200
PRCN: 2013-2-05-28174


Dear Dr. Jenkins:

The U.S. Department of Education's (Department's) School Participation Division – Chicago/Denver issued a program review report on March 11, 2013 covering Moraine Valley Community College's (MVCC) administration of programs authorized by Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs), for the 2011-2012 and 2012-2013 award years. MVCC's final response was received on April 3, 2013. A copy of the program review report (and related attachments) and MVCC's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by MVCC upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) identify liabilities resulting from the findings of this program review report, (2) provide instructions for payment of liabilities to the Department, (3) notify the institution of its right to appeal and (4) notify MVCC of a possible adverse action. Due to the serious nature of one or more of the enclosed findings, this FPRD is being referred to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible adverse action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution. Such action may also include the revocation of the institution's program participation agreement (if provisional), or, if the institution has an application pending for renewal of its certification, denial of that

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500 W. Madison, Suite 1576, Chicago, IL 60661
www.FederalStudentAid.ed.gov

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application. If AAASG initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

Protection of Personally Identifiable Information (PII):

PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the finding in the attached report does not contain any student PII.

This FPRD contains one or more findings regarding MVCC's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46. Since a Clery Act finding does not result in financial liability, such a finding may not be appealed.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Jeremy Early at 312-730-1484. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,

(b)(6); (b)(7)(C)

Douglas Parrott
Director

Enclosure:
Protection of Personally Identifiable Information

cc: Ms. Laurie Anema, Director of Financial Aid
William Corrello, Internal Auditor
North Central Association of Colleges and Schools - CIHE (Higher Education)
Illinois Community College Board
Illinois Board of Regents



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Prepared for

**Moraine Valley Community
College**

OPE ID: 00769200

PRCN: 2013-2-05-28174

Prepared by:

U.S. Department of Education

Federal Student Aid

School Participation Division – Chicago/Denver

Final Program Review Determination

December 6, 2013

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A. Institutional Information

Moraine Valley Community College
9000 West College Parkway
Palos Hills, IL 60465-0937

Type: Public

Highest Level of Offering: Associates

Accrediting Agency: Associate's Degree

Current Student Enrollment: 18,169 (2010-2011)

% of Students Receiving Title IV: 42% (2010-2011)

Title IV Participation (Postsecondary Education Participants System):

	<u>2010-2011</u>
Federal Pell Grant (Pell)	\$15,746,163.00
Federal Supplemental Opportunity Grant (FSEOG)	\$134,868.00
Federal Work Study (FWS)	\$102,485.00
Federal Family Education Loan Program (FFEL)	\$271,428.00
William D. Ford Federal Direct Loan Program (Direct Loan)	\$5,218,982.00

Default Rate FFEL/DL:

2010:	10.1%
2009:	8.2%
2008:	10.1%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Moraine Valley Community College (MVCC) from February 4, 2013 to February 8, 2013. The review was conducted by Jeremy Early and Jason Charlton.

The focus of the review was to determine Moraine Valley's compliance with the statutes and federal regulations as they pertain to the institution's administration of Title IV programs. The review consisted of, but was not limited to, an examination of Moraine Valley's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 31 files was identified for review from the 2011-2012 and 2012-2013 (year to date) award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and partial social security numbers of the students whose files were examined during the program review.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning MVCC's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve MVCC of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Findings and Final Determinations

Resolved Findings

Findings 3 and 4

MVCC has taken the corrective actions necessary to resolve findings 2, 3 and 4 of the program review report. Therefore, these findings may be considered closed. Findings requiring further action by MVCC are discussed below.

Findings with Final Determinations

The program review report finding(s) requiring further action are summarized below. At the conclusion of each finding is a summary of MVCC's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on March 11, 2013 is attached as Appendix A.

Finding 1: Crime Awareness Requirements Not Met

Citation Summary: *The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees through appropriate publications and mailing, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in 34 C.F.R. § 668.46(b).*

The ASR must be prepared and actively distributed as a single document. Acceptable means of distribution include U.S. Mail, campus mail, hand delivery, or by posting the ASR on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and a link to its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. 34 C.F.R. § 668.41(e)(1). These regulations also require institutions to provide a notice containing this information to all prospective students and employees. This notice must also inform interested parties about how to obtain a paper copy of the ASR. 34 C.F.R. § 668.41(e)(4)

Finally, each institution must also submit its crime statistics to the Department for inclusion in the Office of Postsecondary Education's "Campus Safety and Security Data Analysis Cutting Tool." 34 C.F.R. § 668.41(e)(5).

Noncompliance Summary: *MVCC failed to actively distribute its ASR to all current employees in accordance with Federal regulations. Specifically, the College chose to distribute its ASR as part of a bulk mailing of the semester class schedule that*

institutional officials assert was intended to reach all current students and employees living within the community college district. However, the review team determined that this publication was not sent to current employees living outside of the district. In addition, the current distribution process does not provide any reasonable assurance that the ASR reaches all or even most students nor does it result in any evidence of the required distribution. Moreover, the cover page of the most recent version of the class schedule mailing (Spring 2013) does not clearly and conspicuously state that the publication includes the ASR. If an institution chooses to distribute its ASR as part of a multi-purpose publication then the cover page must specifically indicate that the ASR is included therein. Moraine Valley officials were advised of this violation during the site visit. Institutional officials stated that all employees would be sent an e-mail message with a direct link to the ASR.

Failure to prepare and publish an accurate and complete ASR and to actively distribute it to current students and employees in accordance with Federal regulations deprives the campus community of important security information.

Required Action Summary: As a result of these violations, MVCC must develop and implement policies and procedures for preparing and publishing an ASR that includes all of the statistical and policy disclosures required by 34 C.F.R. § 668.46(b). In addition, the College must develop and implement policies that will ensure that the ASR is actively distributed to all current students and employees in the manner required by 34 C.F.R. § 668.41(e)(1). As part of this policy review, MVCC must ensure that it can accurately identify all of its current students and employees and that its delivery method(s) provide reasonable assurance that the ASR will be delivered to all required persons. If the ASR will continue to be incorporated into a large publication, the College also must ensure that the cover page/first page clearly indicates that the College's ASR is included and the page(s) on which it can be found so that readers of this publication are adequately advised of the contents.

Using its new policies as a guide, MVCC must actively distribute its ASR to all current students and employees in accordance with 34 C.F.R. § 668.41(e). Finally, the College must provide documentation to the Department evidencing the distribution as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the Clery Act. This certification must also affirm that Moraine Valley understands its Clery Act obligations and that it will take all necessary corrective actions to ensure that this violation does not recur.

As noted above, the exceptions identified in this finding constitute serious violations of the Clery Act that by their nature cannot be cured. MVCC has signaled its intention to comply and will be given an opportunity to develop and distribute a fully-compliant ASR and in so doing, bring its overall campus security program into compliance with the Clery Act as required by its Program Participation Agreement (PPA). However, the College is advised that these remedial measures cannot and do not diminish the

seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or other corrective measures.

Based on an evaluation of all available information including MVCC's response, the Department will determine if additional actions will be required and will advise the College accordingly in its Final Program Review Determination.

MVCC officials may wish to review the Department's "Handbook for Campus Safety and Security Reporting" (2011) for guidance on complying with the Clery Act. The handbook is available online at: www2.ed.gov/admins/lead/safety/handbook.pdf. The regulations governing the Clery Act can be found at 34 C.F.R. §§ 668.14, 668.41, 668.46, and 668.49.

MVCC's Response: In its April 3, 2013 response (Appendix to the FPRD), MVCC acknowledged this violation. The College conceded that it failed to distribute the notification of publication of the 2012 ASR to employees due to recent turnover in staffing. The College is disappointed that the communication methods that it currently uses were deemed to be inadequate to meet the disclosure requirement but the College intends to comply with this disclosure requirement as outlined in the "Future Compliance" section below. Additionally, the College was unaware that the disclosure for students in the course schedule was inadequate. The College asserted that it has identified and implemented suitable remedies to ensure compliance in future years and that will "continue our good faith efforts at continued compliance."

Current Compliance:

To address the current situation of noncompliance related to College employees, the College has distributed to all employees the notification of publication of the ASR. Notification occurred via e-mail on February 8, 2013. Proof of the distribution of that e-mail was provided to the reviewers on February 13, 2013.

To address the current situation of noncompliance related to enrolled students, the College has distributed to all currently enrolled students the notification of publication of the ASR. Notification occurred via e-mail on March 19, 2013. See Attachment 1 to this report. Attachment 1 contains a copy of the below e-mail as received by a current student and the batch validation report indicating that the notification was distributed to 18,349 students without exceptions or errors in delivery.

The content of both communications was:

Jeanne Clery Act Compliance Security Information

Moraine Valley Community College is committed to assisting all members of the college community in providing for their safety and security. The annual security compliance

information is available on the Moraine Valley Police Department website at <http://morainevalley.edu/police>. The report also is available as a printable PDF document at <http://www.morainevalley.edu/Police/annualreport.pdf>. If you would like to receive a copy of our booklet entitled "2012 Annual Crime Statistics and Security Report", stop by the Police Department, located in Building P, 9000 W. College Pkwy., Palos Hills, IL, or you can request a copy be mailed to you by calling (708) 974-5555. The website and booklet contain information on campus security and personal safety, including topics such as crime prevention, Moraine Valley Police Department's law enforcement authority, crime reporting policies, disciplinary procedures, and other matters of importance related to campus security. The website and booklet also contain statistics for the past three years on reported crimes that occurred on campus, in various off-campus buildings, on property used by the college, and on public property within or immediately adjacent to and accessible from the campus. The Moraine Valley Police Department is required by law under the mandates of the *Clergy Act* to report and make available our annual crimes statistics and security report.

Future Compliance

To ensure future compliance with notification requirements, the College has implemented a review procedure that crosses departmental responsibilities. With multiple departments involved in the process, the possibility of the oversight being repeated is greatly diminished.

Employees are currently notified about the ASR during new hire orientation at which time the Chief of Police reviews campus safety procedures and the ASR. Additionally, each year prior to October 1, the College's Information Technology department will distribute the above e-mail (updated where necessary for changes to the year and direct link to the ASR) using the College's ERP system. This system, being more dynamic than traditional e-mail, allows for formal tracking of recipients of an e-mail notification. The College will maintain that record of recipients to verify compliance with the notification requirement.

Enrolled students will receive notification of the publication of the ASR using the same College ERP system process as above. However, due to the enrollment flexibility exercised by our students, the College will distribute the notification to enrolled students in each term as an added process improvement. In each Fall term, the e-mail will be distributed prior to the October 1 deadline. In the following Spring and Summer terms, the e-mail will be distributed immediately after the end of the withdrawal period to ensure communication to all actively enrolled students.

An additional response was received from MVCC on July 29, 2013. Therein, the College asserted the following:

Thank you for clarifying the requirements of the *Clergy Act* and Part 86/Drug Prevention Program disclosures. As discussed, Moraine Valley was originally working under the

assumption that it was best to distribute required communications once our enrolled student population had "stabilized" – once the traditional period for adding and dropping classes without penalty was complete, approximately 8 – 10 days after the first day of each semester. As you have explained, it is the expectation of the Clery Team that any student who is enrolled in any class for any time in the semester must receive the notifications. Based on that, we discussed internally how best to approach this requirement. Our revised procedure will be the following:

- Approximately 1 – 2 days before the first day of each semester, we will send the electronic notifications to all students enrolled in classes at the college.
- Each day during the semester until the last scheduled class day of the semester, we will send the electronic notifications to any student who is newly enrolled in a class and has not previously received the electronic notification (our ERP system allows us to track recipients of the notification and suppress repeated notifications).
- Due to the timing of the release of the new annual Crime Statistics Report during September to meet the annual October 1 deadline, students who receive the notifications after the new report is issued will receive that new report (and only that new report). Additionally, students who received the prior year's report earlier in the fall semester will receive a new notification with the new report.

As an aside, this additional internal conversation highlighted a gap we had overlooked – students enrolling in late starting classes. This revised procedure ensures inclusion of those students, as well. Additionally, we will apply this revised procedure to the Drug Policy and FERPA disclosures, as well.

It is our hope that this revision to our policy will ensure compliance with *Clery Act* and Part 86 disclosure requirements.

Final Determination:

The Department has determined MVCC did not properly distribute its 2012 ASR to its current students/employees and prospective students/employees. MVCC acknowledged that the only means of distribution prior to the program review was the inclusion of a link to the report in the MVCC course catalog, which is bulk-shipped to all addresses in the community college district and to current MVCC students. New students are also provided certain campus safety information during orientation. None of these methods comply with the active ASR distribution and notification requirements.

In its response, MVCC states the 2012 ASR was sent by an email to all staff on February 8, 2013 and all students on March 19, 2013. To ensure ongoing compliance, the College will distribute the ASR on a semester basis to all students and employees via electronic mail. This new procedure should adequately address this violation going forward; however, MVCC is advised that a procedure must be implemented that will ensure that

prospective students and prospective employees are actively notified about the availability of an ASR.

The Department has carefully reviewed MVCC's response. The corrective actions that the College claims are now in place should result in improved campus security operations and better *Clery Act* compliance going forward. The review team's analysis of MVCC's supporting documents suggests that these remedial actions are at least minimally adequate. Based on this review and the College's representation that it has taken corrective action, the Department accepts the MVCC's response and considers this finding to be closed. Nevertheless, the Department strongly recommends that the College re-examine all of its campus security, drug and alcohol, and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements.

Although the finding is now closed, MVCC is reminded that the exceptions identified above constitute serious violations of the *Clery Act* that by their nature cannot be cured. MVCC was required to initiate corrective actions and in so doing, has begun to remediate the conditions that led to these violations. The College has stated that it has brought its overall campus security program into compliance with the *Clery Act* as required by its PPA. Nevertheless, MVCC is advised that such corrective measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose additional administrative and/or corrective actions as a result.

Finding 2: Failure to Comply with Required Drug and Alcohol Abuse Education and Prevention Program Requirements

Citation Summary: *The Drug-Free Schools and Communities Act and Part 86 of the Department's General Administrative Regulations requires each participating institutions of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.*

On an annual basis, each IHE must provide the following information in writing to all current students (enrolled for any type of academic credit except for continuing education units) and all current employees:

- 1) the institution's standards of conduct prohibiting the possession, use, and distribution of drugs and alcohol;*
- 2) possible sanctions for violations of Federal, state, and local drug and alcohol laws as well as sanctions for violation of institutional policies;*
- 3) health risks associated with the use of drugs and alcohol;*
- 4) information on counseling, rehabilitation, and treatment programs; and*
- 5) a clear statement that the IHE will impose sanctions on students and employees who violate drug and alcohol laws, ordinances, and/or institutional policies.*

In addition, each IHE must conduct a biennial review to determine the effectiveness of its drug and alcohol abuse education and prevention program and to ensure consistent enforcement of applicable laws, ordinances, and institutional policies against violators. The biennial review materials must be maintained by the IHE and made available to the Department upon request. 34 C.F.R. § 86.100.

Noncompliance Summary: *MVCC failed to actively distribute the required drug and alcohol abuse education and prevention program materials to all students and employees. Specifically, the College chose to distribute its required drug and alcohol abuse education and prevention program materials as part of a bulk mailing of the semester class schedule that institutional officials assert was intended to reach all current students and employees living within the community college district. However, the review team determined this publication was not sent to current employees living outside of the district. In addition, the current distribution process does not provide any reasonable assurance this information reaches all or even most students nor does it result in any evidence of the required distribution. Moreover, the cover page of the most recent version of the class schedule mailing (Spring 2013) does not clearly and conspicuously state that the publication includes this information. Like the ARS, if an institution chooses to distribute the required drug and alcohol abuse education and*

prevention program materials as part of a multi-purpose publication then the cover page must specifically indicate that it is included therein. Moraine Valley officials were advised of this violation during the site visit. Institutional officials stated that all employees would be sent an e-mail message with a direct link.

Failure to comply with the drug and alcohol abuse education and prevention program requirements deprives students and employees of important information regarding the detrimental health risks and legal and disciplinary consequences of alcohol abuse and illicit drug use. Such a failure may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

Required Action Summary: MVCC is required to take all necessary corrective actions to rectify this violation and all others identified in this program review report. Moraine Valley must develop and implement a comprehensive system of policy and procedural improvements. To address the specific deficiencies identified in this finding, Moraine Valley must develop and implement policies that will ensure the Drug and Alcohol Abuse Prevention Program (DAAPP) information is actively distributed to all current students and employees in the manner required by the Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations. As part of this policy review, Moraine Valley must ensure that it can accurately identify all of its current students and employees and that its delivery method(s) provide reasonable assurance that required DAAPP materials will be delivered to all required persons. If this information will continue to be incorporated into a large publication, the College also must ensure the cover page/first page clearly indicates that the College's required information is included and the page(s) on which it can be found so that readers of this publication are adequately advised of the contents.

Using its new policies as a guide, MVCC must actively distribute the DAAPP information to all current students and employees in accordance with DFSCA and Part 86 of the Department's General Administrative Regulations. Finally, the College must provide documentation to the Department evidencing the distribution as well as a statement of certification attesting to the fact that the materials were distributed. This certification must also affirm that Moraine Valley understands its obligations and that it will take all necessary corrective actions to ensure that this violation does not recur.

As noted above, the exceptions identified in this finding constitute serious violations of DFSCA and Part 86 of the Department's General Administrative Regulations that by their nature cannot be cured. Moraine Valley has signaled its intention to comply and will be given an opportunity to develop and distribute the required DAAPP information and in so doing, bring its overall DAAPP requirements into compliance as required by its Program Participation Agreement (PPA). However, the College is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or other corrective measures.

Based on an evaluation of all available information including MVCC's response, the Department will determine if additional actions will be required and will advise the College accordingly in its Final Program Review Determination.

For more information, please see the Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention's publication, "Complying with the Drug-Free Schools and Campuses Regulations." The guide is available online at: <http://www.higheredcenter.org/files/product/dfscr.pdf>. Although this publication is not official FSA sub-regulatory guidance, it does contain useful information that may help Moraine Valley to develop, implement, and/or improve its drug and alcohol abuse prevention program and properly distribute its DAAPP disclosure. The Guide also includes information about how to conduct its Biennial Review and to complete its Biennial Review report. For more assistance or information, please contact a member of the review team or the Chicago/Denver School Participation Division.

MVCC's Response: In its April 3, 2013 response (Appendix to the FPRD), MVCC respectfully disagreed with this finding. The College interpreted the wording of this finding to imply that the reviewers believe both the ASR and the drug and alcohol policy notifications are distributed in a similar fashion. In fact, those responsibilities are assigned to separate divisions of the College and managed differently by each division.

Employees:

The College notifies employees of the drug and alcohol policies in two ways. During the introduction to the college on an employee's first day of work, each new employee receives a handbook containing the drug and alcohol policy. Additionally, each employee receives a printed copy of the drug and alcohol policy that must be read and signed. That printed, signed copy is saved to each new employee's personnel file. See Attachment 2 to this report for an example of the current form signed by each new employee.

Annually, the Director of Human Resources sends a communication of all policies that require periodic re-notification (either by law or by internal policy). This message is directed to all employees of the College using our Outlook mail list "#All Staff". Included in that message is the drug and alcohol policy. See Attachment 3 to this report showing the e-mail sent by the Director of Human Resources and the attachments to it. As a result of process improvements identified in discussions with the reviewers about distribution of this policy, the College intends to revise this process to use the College's ERP for this annual communication. This system allows for formal tracking of recipients of an e-mail notification. The College will maintain that record of recipients to verify compliance with the notification requirements. Additionally, the notification of the drug and alcohol policy will be removed from the larger annual notification and sent as a separate e-mail to all employees.

Students:

The College e-mailed the complete drug and alcohol policy to every enrolled student on February 5, 2013 to satisfy the annual notification requirement. See Attachment 4 to this report for a copy of the complete text of the drug and alcohol policy e-mailed to all currently enrolled students. However, after discussing the notification requirement with the reviewers and evaluating alternative methods to provide the notification to students, the College has elected to implement process improvements similar to those applied to the ASR. The College will distribute the e-mail notification with a direct link to the policy maintained on the College's website to enrolled students in each term (Fall, Spring, and Summer). The e-mail will be distributed immediately after the end of the withdrawal period to ensure communication to all actively enrolled students in every term.

An additional response was received from MVCC on July 29, 2013. Therein, the College asserted the following:

Thank you for clarifying the requirements of the Clery Act and Part 86/Drug Prevention Program disclosures. As discussed, Moraine Valley was originally working under the assumption that it was best to distribute required communications once our enrolled student population had "stabilized" – once the traditional period for adding and dropping classes without penalty was complete, approximately 8 – 10 days after the first day of each semester. As you have explained, it is the expectation of the Clery Team that any student who is enrolled in any class for any time in the semester must receive the notifications. Based on that, we discussed internally how best to approach this requirement. Our revised procedure will be the following:

- Approximately 1 – 2 days before the first day of each semester, we will send the electronic notifications to all students enrolled in classes at the college.
- Each day during the semester until the last scheduled class day of the semester, we will send the electronic notifications to any student who is newly enrolled in a class and has not previously received the electronic notification (our ERP system allows us to track recipients of the notification and suppress repeated notifications).
- Due to the timing of the release of the new annual Crime Statistics Report during September to meet the annual October 1 deadline, students who receive the notifications after the new report is issued will receive that new report (and only that new report). Additionally, students who received the prior year's report earlier in the fall semester will receive a new notification with the new report.

As an aside, this additional internal conversation highlighted a gap we had overlooked – students enrolling in late starting classes. This revised procedure ensures inclusion of

those students, as well. Additionally, we will apply this revised procedure to the Drug Policy and FERPA disclosures, as well.

It is our hope that this revision to our policy will ensure compliance with Clery Act and Part 86 disclosure requirements.

Final Determination:

The Department has determined MVCC did not properly distribute its DAAPP disclosure to all students on an annual basis. In fact, the College conceded that the first such distribution was accomplished on February 5, 2013 via electronic mail as a remedial measure to address the finding of violation identified in the program review report.

In its July 29, 2013, response, MVCC states that to ensure on going compliance, the College has taken corrective steps to distribute its DAAPP disclosure on a semester basis to all students via electronic mail. Students will receive this information on the 1-2 days prior to the start of each semester. An email will be sent immediately to any student that enrolls after that initial email date.

The Department has carefully reviewed MVCC's response. The corrective actions that are now in place should strengthen MVCC's drug and alcohol abuse prevention program and well-position the College to achieve and maintain full compliance with the *DFSCA*, going forward. Based on this review and the College's representation that it has taken corrective action, the Department accepts the MVCC's response and considers this finding to be closed. Nevertheless, the Department strongly recommends that the College re-examine all of its campus security, drug and alcohol, and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements.

Although the finding is now closed, MVCC is reminded that the exceptions identified above constitute serious violations of the DAAPP that by their nature cannot be cured. MVCC was required to initiate corrective actions and in so doing, has begun to remediate the conditions that led to these violations. The College has stated that it has brought its overall DAAPP into compliance as required by its PPA. Nevertheless, MVCC is advised that such corrective measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose additional administrative and/or corrective actions.